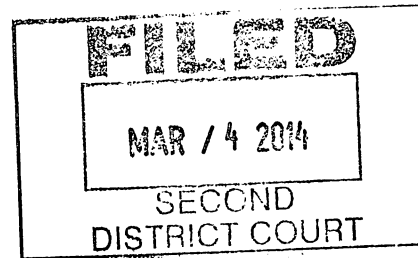


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IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT
IN AND FOR THE COUNTY OF DAVIS, STATE OF UTAH

THE STATE OF UTAH
Plaintiff,
vs.
ANDRES ESQUIVEL
Defendant.

ORDER OF COMMITMENT TO DIVISION
OF SUBSTANCE ABUSE AND MENTAL
HEALTH FOR TREATMENT TO RESTORE
TO COMPETENCY

Case No. 111701135
Judge David M. Connors

On February 11, 2014 this Court held a hearing pursuant to Utah Code Annotated § 77-15-5. The Defendant was present and represented by counsel, Julie George on behalf of Mark Arrington. The State was represented by Nathan D. Lyon, Deputy Davis County Attorney. The Court, having reviewed the competency examinations completed by John Malouf, PhD and Patrick Panos, PhD, and having heard from counsel for the Defendant and for the State, now enters the following Findings of Fact and Conclusions of Law and Order concerning the Defendant's competency to stand trial:

FINDINGS OF FACT

1. The Defendant suffers from a substantial mental illness.
2. The Defendant does not comprehend and appreciate the charges or allegations against him.

3. The Defendant does not have the capacity to disclose to counsel pertinent facts, events, and states of mind.
4. The Defendant does not comprehend and appreciate the range and nature of possible penalties that may be imposed in these proceedings.
5. Defendant cannot engage in reasoned choice of legal strategies and options.
6. It is questionable whether the Defendant understands the adversary nature of the proceedings against him.
7. Defendant is not capable of manifesting appropriate courtroom behavior.
8. It is questionable whether the Defendant is capable of testifying relevantly in his own behalf.
9. The Defendant is not capable of knowingly and intelligently waiving his right to counsel.
10. The Defendant is refusing to take any psychotropic medications that may improve his delusional thinking and confused state.
11. The evidence at this point is inconclusive as to whether Defendant may be restored to competency through treatment.

CONCLUSIONS OF LAW

1. Defendant does not have a rational and factual understanding of the proceedings against him or of the punishment specified for the offense charged.
2. Defendant does not have the ability to consult with counsel and to participate in the proceedings against him with a reasonable degree of rational understanding.
3. Defendant is not competent to stand trial at the present time.


ORDER

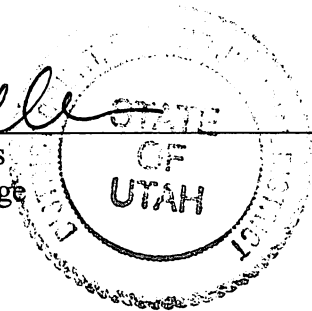
1. For the foregoing reasons, the Court hereby orders that the Defendant be committed to the custody of the executive director of the Division of Substance Abuse and Mental Health or his designee for the purpose of treatment intended to restore the Defendant to competency.
2. The Defendant shall be placed in a secure setting. However, in all other respects, the director or his designee shall designate the specific placement of the Defendant during the period of evaluation and treatment. The examiner or examiners designated by the executive director to assess the Defendant's progress toward competency may not be involved in the routine treatment of the Defendant.
3. The examiner or examiners shall provide a full report to the court and prosecuting and defense attorney within 90 days of receipt of this order. If any examiner is unable to complete the assessment within 90 days, that examiner shall provide to the court and counsel a summary progress report which informs the court that additional time is necessary to complete the assessment, in which case the examiner shall have up to an additional 90 days to provide the full report.
4. The full report of the examiner or examiners shall assess (1) the facility's or program's capacity to provide appropriate treatment for the Defendant; (2) the nature of the treatment provided to the Defendant; (3) what progress toward competency restoration has been made with respect to the factors identified by the Court in its initial order; (4) the Defendant's current level of mental disorder or mental retardation and need for

treatment, if any; and (5) the likelihood of restoration of competency and the amount of time estimated to achieve it.

5. A hearing to determine the Defendant's status shall be held on August 12, 2014 at 8:30 a.m. at the Davis County Justice Complex, 800 West State Street, Farmington, UT 84025.
6. The Davis County Sheriff's Office is ordered to transport the Defendant to the Davis County Justice Complex for said hearing.

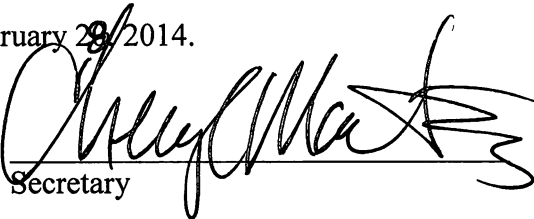
DATED this 25th day of Feb, 2014.


David M. Connors
District Court Judge



CERTIFICATE OF DELIVERY

I certify that I mailed a copy of the foregoing Order of Commitment to Division of Substance Abuse and Mental Health for Treatment to Restore to Competency was delivered to Mark Arrington, Attorney for Defendant, on February ~~28~~ 2014.


Secretary